

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIASAT, INC.,

Plaintiff,

v.

Case No. 6:21-cv-01230-ADA

WESTERN DIGITAL CORPORATION and
WESTERN DIGITAL TECHNOLOGIES, INC.,

Defendants.

**JOINT NOTICE TO THE COURT CONCERNING DISMISSAL OF
PLAINTIFF'S PRE-SUIT INDIRECT INFRINGEMENT ALLEGATIONS**

Pursuant to Part VI of the March 7, 2022 Standing Order Governing Proceedings (OGP) 4.0—Patent Cases (“OGP 4.0”)¹, Plaintiff Viasat, Inc. (“Plaintiff”) and Defendants Western Digital Corporation and Western Digital Technologies, Inc., (“Defendants”) provide this joint notice to the Court that the parties hereby stipulate to dismissal of Plaintiff’s pre-suit indirect infringement allegations without prejudice, with leave to re-plead those allegations with specificity, if supported by a good faith basis under Rule 11, within three months after fact discovery opens while permitting fact discovery on indirect infringement during those three months. See OGP 4.0 at 5. Viasat does not agree to dismiss its claims of post-filing indirect infringement.

¹ The OGP 4.0 was entered in the present action on March 10, 2022. See Text Order, Case No. 6:21-cv-01230-ADA (W.D. Tex. Mar. 10, 2022).

Dated: March 25, 2022

Respectfully submitted,

/s/ Melissa R. Smith

Melissa R. Smith
State Bar No. 24001351
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
Email: melissa@gillamsmithlaw.com

J. Scott McBride (admitted *Pro Hac Vice*)
Matthew R. Ford (admitted *Pro Hac Vice*)
Nevin M. Gewertz (admitted *Pro Hac Vice*)
BARTLIT BECK LLP
54 W. Hubbard Street, Suite 300
Chicago, IL 60654
(312) 494-4400
scott.mcbride@bartlitbeck.com
matthew.ford@bartlitbeck.com
nevin.gewertz@bartlitbeck.com

Nosson D. Knobloch (admitted *Pro Hac Vice*)
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, CO 80202
(303) 592-3100
nosson.knobloch@bartlitbeck.com

Counsel for Plaintiff Viasat, Inc.

/s/ L. Kieran Kieckhefer

L. Kieran Kieckhefer (*pro hac vice*)
Shearman & Sterling LLP
535 Mission Street, 25th Floor
San Francisco, CA 94105
Telephone: 415.616.1124
Facsimile: 415.616.1199
Kieran.Kieckhefer@Shearman.com

David P. Whittlesey

Shearman & Sterling LLP
300 West 6th Street, 22nd Floor
Austin, Texas 78701
Telephone: 512.647.1907
Facsimile: 512.857.6602
David.Whittlesey@Shearman.com

Matthew G. Berkowitz (*pro hac vice*)

Patrick R. Colsher (*pro hac vice*)
Yue (Joy) Wang (*pro hac vice*)
Shearman & Sterling LLP
1460 El Camino Real, 2nd Floor
Menlo Park, CA 94025
Telephone: 650.838.3600
Facsimile: 650.838.5141
Matt.Berkowitz@Shearman.com
Patrick.Colsher@Shearman.com
Joy.Wang@Shearman.com

Ahmed E. ElDessouki (*pro hac vice*)

Shearman & Sterling LLP
599 Lexington Avenue
New York, NY 10022
Telephone: 212.838.4000
Facsimile: 646.848.4908
Ahmed.ElDessouki@Shearman.com

Counsel for Defendants Western Digital Corporation and Western Digital Techs., Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on March 25, 2022, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF.

/s/ *Amanda Adame*
Amanda Adame